

# Assignment3

Law



Recent Case Part Case Identification and Appropriateness Article The article is d " Jury Awards Family 8 Million in Civil Case against Denver Police" by David Mitchell." It appeared in the Fox31 Denver in September 29, 2014.

#### Article Summary

The news story is about the \$1. 8 million compensation plus punitive damages that were awarded to the members of the Daniel Martinez family for unlawful arrest by Denver police in 2009. The article can be accessed from <http://kdvr.com/2014/09/29/jury-awards-family-1-8-million-in-civil-case-against-denver-police/>

#### Part 2, Kind of Case

This is a civil tort case, where the Martinez family sought damages for the losses they suffered after the police forcefully broke into their home and arrested them. The family suffered both material and psychological damages following the incident.

(2 points) Is this case public or private? Explain your answer.

This is a public case since it draws the interest of all society members.

Evidently, police brutality is a matter of concern for all. A jury was therefore involved in determining the case. Apparently, the jury represents the stance of the common people and is usually called upon when matters of public concern are being determined.

(2 points) Is this case in state court or federal court?

This case was heard and determined in a federal court

#### Part 3, Jurisdiction

(3 points) Explain why this court has jurisdiction over the subject matter of this case.

The court has jurisdiction over this matter since the tort is of a civil nature  
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that happened within the state of Colorado.

(2 points) Explain why this particular court has jurisdiction over each plaintiff.

The court has jurisdiction over the plaintiffs since they are members of the same family that resides in Colorado.

(2 points) Explain why this particular court has jurisdiction over each defendant.

The courts jurisdiction over the defendant is justified by the fact that the police department is domiciled in the state and the officers were undertaking their duties within the state.

(2 points) At what phase in the legal process is the case? (Refer to the diagram in the Chapter 2 Lecture called Phases of A Civil Lawsuit.)

This case is at the ‘ After Judgment’ stage

Part 4: Learning Application: Apply course learning to answer the following questions about the lawsuit in your news story.

(2 points) Name the plaintiff(s).

The plaintiff were Daniel Martinez Jr. and his sons

(2 points) Describe the duty(ies) the plaintiff asserts were owed by the defendant(s).

The plaintiffs asserted that the defendant owed them a duty of reparations for the harm caused by the unlawful arrest and false accusations while they were innocent.

(6 points) What does the plaintiff have to prove to prevail in this case?

1) The plaintiffs had to prove that they suffered consequences due to the police raid.

2) They had to prove that the police had ransacked their home without a

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warrant

3) They also had to show that the police were lying in claiming that the Martinez family assaulted them while resisting arrest.

(3 points) What is the legal standard that will be used to determine whether the plaintiff has met the burden of proof in this case? Describe what this burden of proof means.

The burden of proof means the obligation to provide evidence that either incriminates or absolves an accused person. The legal standard that should be applied in this case is that of establishment of proof beyond any reasonable doubt.

(3 points) What kinds of damages is the plaintiff asking for? Or, if the case is over, what did the plaintiff ask for? If not stated in the article, what should the plaintiff ask for? Be specific.

The plaintiffs asked for both compensatory and punitive damages. They wanted compensation to recover what they had lost due to the unlawful arrest and sought punitive damages to punish the crime perpetrators.

(3 points) Are punitive damages appropriate in this case? Explain.

Punitive damages are appropriate in this case since the police violated the rights of the Martinez family. The granting of punitive damages by the jury serves as deterrence for Denver State authorities and other who may be inclined to act in a similar manner against their people.

(2 points) Name the defendant(s).

The defendant in the case is the Denver Police.

(2 points) What kind of defenses has the defendant raised? Or, if the case is over, what defenses did the defendant raise? If not clear in the article, what are the likely defenses?

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The defendant most likely alluded to the seriousness of the war on drugs that they were involved in during the time of the raid. The article reports that the police raided the family home looking for drug dealers who had vacated the premises a month before.

(6 points) What result or outcome do you think the case should have? How should the court rule? (Or, if the court has ruled, do you agree with the outcome? Why or why not?) Use course concepts to explain your answer.

I agree with the outcome of the case. The jury's decision to award compensation to the plaintiff is commendable under the tenets of justice. The unlawful arrest had violated the balance of justice hence there was need for reparation. If the Denver city pays the price of the actions of its officers, the leaders are likely to demand the proper performance of duties among its officers, leading to a better society.